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Read: Skadden Registers Ukraine Advocacy After Settling DOJ's Lobbying Case

The Foreign Agents Registration Act filing, required as part of a civil settlement with the U.S. Justice Department, shows funding source expectations for the advocacy, and partner rates on the lobbying contract.

By C. Ryan Barber | January 20, 2019

When the law firm **Skadden, Arps, Slate, Meagher & Flom**

(<https://www.law.com/law-firm-profile/?id=279&name=Skadden>)

signed on to work for the Ukrainian government in 2012, it understood the bill would be largely picked up by the steel magnate Victor Pinchuk, a Ukrainian billionaire who has since come under scrutiny from the special counsel's office, **according to a new filing**

(<https://drive.google.com/file/d/1DfZ2ZwSSRwAVrDzd0Ao3Q6rd4UrTYZUa/view>)

the firm submitted to the U.S. Department of Justice.



Skadden offices in Washington DC. Credit: Diego M. Radzinski/ NLJ

Skadden revealed its awareness of Pinchuk's financial involvement in a lengthy filing made Jan. 18 under the Foreign Agents Registration Act that was required as part of a settlement with the Justice Department. Prosecutors had accused the firm of violating lobbying laws by not earlier registering its work.

The Justice Department alleged Skadden should have registered as a foreign agent seven years ago in connection with a purportedly independent analysis it conducted of the Russia-aligned Ukrainian government's prosecution of Yulia Tymoshenko, a former prime minister and political rival of the country's president at the time, Viktor Yanukovich. In addition to registering retroactively as a foreign agent for Ukraine, Skadden **agreed to pay**

(<https://drive.google.com/file/d/1Y3QqLv9As4tjfojRWeaLnP1JxfKJY6p/view>) the U.S. government more than \$4.6 million, representing the amount the firm received for its work for Ukraine.

"The firm has filed the requisite registration with the FARA Unit of the Department of Justice detailing our work on behalf of the government of Ukraine. We have learned much from this incident and we look forward to putting these events behind us," the firm said in a statement Sunday.

The Justice Department's scrutiny of Skadden stemmed in part from the special counsel's investigation of Russian interference in the 2016 presidential election, a probe that has resulted in the conviction of former Trump campaign chairman Paul Manafort on fraud and various other charges. In the settlement announcement Thursday, the Justice Department said the Ukrainian government hired the firm with the "assistance of Paul Manafort."

Pinchuk has reportedly drawn attention from Robert Mueller III, the special counsel leading the investigation of the Trump campaign's ties to Russians and Russian interference in the 2016 presidential election.

In April, the New York Times **reported** **(<https://www.nytimes.com/2018/04/09/us/politics/trump-mueller-ukraine-victor-pinchuk.html>)** Mueller was investigating a \$150,000 donation Pinchuk made in September 2015 to the Donald J. Trump Foundation in exchange for Trump appearing,

by video, at a conference in Kiev later that month. The investigation came as part of a broader inquiry into streams of foreign money that flowed to Trump and his associates in the years leading up to his presidential campaign, the Times reported.



Gregory Craig. Credit: Diego M. Radzinski / NLJ

Skadden's settlement leaves unresolved certain questions involving former partner Greg Craig, who served as White House counsel under the Obama administration. Craig left the firm in April 2018 as his work for Ukraine was the subject of a Justice Department investigation. Craig has not commented publicly. His lawyer, William Taylor of Zuckerman Spaeder, **has stated** (<https://www.law.com/nationallawjournal/2018/09/15/greg-craig-repped-by-bill-taylor-zuckerman-spaeder-amid-sdny-investigation/>) that Craig was not required to register under FARA.

Craig was not identified by name in Skadden's civil settlement last week. The filing referred to a "lead partner who had misled attorneys in the Justice Department's FARA unit about his work for Ukraine, leading the department to conclude in 2013 that Skadden was not obligated to register as a foreign agent. The Justice Department highlighted Craig's interactions with the press in the buildup to the release of Skadden's

report on the prosecution of Tymoshenko. The registration filings note that Skadden provided a copy of the report to the New York Times and The Daily Telegraph before its public release.

Skadden's registration filings included a letter Craig sent in February 2012 stating that his "current hourly internal time charge" was \$1,150. The letter, combined with other portions of the firm's filings, revealed the scope of Skadden's engagement. Craig said he and Cliff Sloan, a partner at Skadden, would be "responsible for and actively involved in the engagement." Sloan's hourly rate was identified as \$1,050.

In addition to Craig and Sloan, the registration lists several other lawyers and staff at Skadden who were advocates on the Ukraine contract. Among those lawyers were Alexander van der Zwaan, a former associate in the firm's London office **who was sentenced** (<https://www.law.com/nationallawjournal/2018/04/03/ex-skadden-associate-gets-30-day-jail-sentence-for-lying-to-muellers-team/>) to 30 days in prison for lying to investigators with the special counsel's office. Margaret Krawiec, a partner in Skadden's Washington office, and Michael Loucks, a partner in the Boston office, were also listed as being involved in the firm's work for Ukraine.

Mueller's investigation has coincided with a **marked uptick in activity** (<https://www.law.com/nationallawjournal/2018/09/27/washingtons-fara-frenzy-fomenting-new-legal-business/>) from the Justice Department unit devoted to enforcing FARA. Once seen as a backwater at the Justice Department, the unit has begun to more aggressively probe lobbying work in the United States for connections to foreign governments.

"Everybody and his brother is starting a FARA practice," Robert Kelner, chairman of **Covington & Burling** (<https://www.law.com/law-firm-profile/?id=69&name=Covington>)'s elections and political law practice, said last year, "or claiming to already have one."

Skadden's FARA filing is posted in full below:

<p>U.S. Department of Justice Washington, DC 20530</p>	<p>OMB No. 1124-0001; Expires May 31, 2020</p> <p>Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended</p>
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I--REGISTRANT

1. Name of Registrant

Skadden, Arps, Slate, Meagher & Flom LLP (the "Firm")

2. Registration No. (To Be Assigned By the FARA Registration Unit)

3. Principal Business Address

4 Times Square
New York, New York 10036

4. If the registrant is an individual, furnish the following information:

(a) Residence address(es)
Not applicable.

(b) Other business address(es), if any
Not applicable.

(c) Nationality Not applicable

(d) Year of birth Not applicable

(e) Present citizenship Not applicable.

Page 1 / 366

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Skadden Settlement Spotlights Greg Craig's Ukraine Work

(https://at.law.com/Vgir8y?cmp=share_twitter)

Mueller's Interest in Skadden Presents Unique Crisis Management Challenge

(https://at.law.com/yPb5qb?cmp=share_twitter)

Ex-Skadden Associate Gets 30-Day Jail Sentence for Lying to Mueller's Team

(https://at.law.com/BGrZa7?cmp=share_twitter)

Amid Mueller Probe, Gregory Craig Retires From Skadden
(<https://www.law.com/nationallawjournal/2018/04/24/amid-mueller-probe-gregory-craig-retires-from-skadden/>)

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